IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15180 of 2005

Between:

1 Bommina Veera Bhadraiah, s/o Narasimha,
r/o Moddulaparva, Reddigudem Mandal.
2 Thota Nagamma being unsound minded rep., by her husband Thota Murali, s/o Venkataramaiah,
r/o Vissannapeta Village and Mandal, Krishna District.
3 Billa Nageswara Rao, s/o Ramachandiah,
r/o Vissannapeta Village and Mandal, Krishna District.
4 Abbineni Anjaneyulu, s/o Venkateswara Rao,
r/o Vissannapeta Village and Mandal, Krishna District.
5 Abbineni Sambasiva rao, s/o Venkateswara Rao,
r/o Vissannapeta Village and Mandal, Krishna District.
6 Abbineni Krishna Rao, s/o Venkateswara Rao,
r/o Vissannapeta Village and Mandal, Krishna District.
7 Abbineni Subhadramma, w/o Gopalam,
r/o Vissannapeta Village and Mandal, Krishna District.
8 Abbineni Venkata Satyanarayana, s/o Gopalam,
r/o Vissannapeta Village and Mandal, Krishna District.
9 Abbineni Vijaya Bhaskar, s/o Gopalam,
r/o Vissannapeta Village and Mandal, Krishna District.
10 Abbineni Sudeesh Kumar, s/o Gopalam,
r/o Vissannapeta Village and Mandal, Krishna District.

..... PETITIONERS

AND

1 The District Collector, Krishna District, Chilakalpudi, Machilipatnam.
2 The Revenue Divisional Officer, Nuzvidu, Krishna District.
3 The Superintending Engineer, O&M Circle, Nagarjunasagar Canal, Tekulapalli, Khammam, Khammam District.
4 The Executive Engineer, O&M Division, Nuzvid, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders or writ more particularly one in the nature of writ of mandamus declaring the action of the respondents in not initiating the land acquisition proceedings for payment of compensation in respect of lands in R.S.No.199, 103/3, 103/4, 103/5, and 104/1 totally admeasuring ac.8.33 cents situated at Vissannapet Village, Krishna District as illegal, arbitrary, and violative of 300-A of Constitution of India, and consequently direct the respondents either to initiate land acquisition proceedings for payment of compensation or to return the lands to the petitioners and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SREENIVASA RAO VELIVELA

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a writ of Mandamus, declaring the action of the respondents in not initiating the land acquisition proceedings for payment of compensation in respect of land in R.S.No. 199, 103/3, 103/4, 103/5 and 104/1 totally admeasuring Ac. 8.33 cents situated at Vissannapet Village, Krishna District as illegal, arbitrary and consequently direct the respondents either to initiate land acquisition proceedings for payment of compensation or to return the lands to the petitioners.

It is submitted that the petitioners are belonging to agricultural families and eking out livelihood by doing agricultural operations and also as agricultural coolies. While so, the Government dug the Nagarjunasagar Left Canal to provide irrigation water to upland areas, which is passing through the Tiruvuru, Chatrai, Vissannapeta, Nuzvid and Agiripalli Mandals in Krishna District and for that purpose a section office was opened at Vissannapeta to monitor the digging of canal with the staff belonging to the third and fourth respondents. For the purpose of staying of staff at Vissannapeta, temporarily, till the completion of digging of canal, petitioners' lands totally admeasuring Ac. 8.33 cents in R.S.Nos. 199, 103/3, 103/4, 103/5 and 104/1 have been taken by the respondents with specific understanding that whenever excavation of canal in Vissannapet section is over, they will handover the same to the petitioners. At the time of taking the lands the respondent officials

specifically stated that they would pay Rs. 300/- per acre per annum for using the land. It is further submitted that the respondents are not paying the amount of Rs. 300/- for using the lands and excavation of canal work at Vissannapeta section is over and all the staff, who were temporarily posted at Vissannapeta were transferred and, as such, all the temporary constructions made for the purpose of staying were kept vacant since three years. Therefore, it is contended that as promised by the respondents, respondents neither handover the land nor initiated the land acquisition proceedings for payment of compensation. Therefore, petitioners issued legal notices dated 11.1.2005 and 28.3.2005, but no action has been taken by the respondents, hence, they are constrained to file this Writ Petition.

Considering the facts and circumstances, I deem it appropriate to dispose of the Writ Petition at the stage of admission, directing the respondents to consider the legal notices dated 11.1.2005 and 28.3.2005, sent by the petitioners and pass appropriate orders in accordance with law, after giving an opportunity to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 14.7.2005

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To

1 The District Collector, Krishna District, Chilakalpudi, Machilipatnam.
2 The Revenue Divisional Officer, Nuzvidu, Krishna District.
3 The Superintending Engineer, O&M Circle, Nagarjunasagar Canal, Tekulapalli, Khammam, Khammam District.
4 The Executive Engineer, O&M Division, Nuzvid, Krishna District.

5. Two CCs to G.P. for Revenue, High Court of Andhra Pradesh, Hyderabad (OUT)

6. Two CD copies.